

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JIMMY MARCELL MORRIS)
v. Plaintiff,) Case No.: 3:09-CV-1086
v.) Judge Trauger
EQUI FIRST CORPORATION,)
GMAC MORTGAGE, LLC,)
MORTGAGE ELECTRONIC)
REGISTRATION SYSTEM, INC.,)
MCCURDY & CANDLER, LLC)
ANTHONY DEMARIO, and)
PATRICK TAGGART)
Defendants.)

ORDER

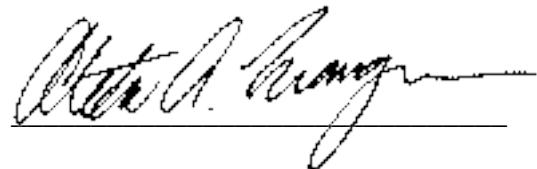
For the reasons expressed in the accompanying Memorandum, the plaintiff's objections to Magistrate Judge Griffin's Report and Recommendation (Docket No. 11) are **OVERRULED**. The Report and Recommendation is **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein and herein, it is hereby **ORDERED** that Equi First Corporation and Mortgage Electronic Registration System, Inc. are **DISMISSED WITH PREJUDICE** from this case pursuant to 28 U.S.C. § 1915(e). It is further **ORDERED** that process shall issue as to the remaining defendants, as the plaintiff's claims under the Fair Debt Collection Practices Act shall be allowed to go forward.

Any appeal of this Order taken by the plaintiff would not be in good faith under 28 U.S.C. § 1915(a)(3).

If the plaintiff remains in a Chapter 13 bankruptcy, the proper plaintiff is the Chapter 13 Trustee, not the plaintiff, and any recovery will be designated as an asset of his Chapter 13 Plan.

It is hereby **ORDERED** that, by March 18, 2010, the plaintiff shall file a copy of written notice provided by him to the Chapter 13 Trustee of his pursuit of this case, so that the Chapter 13 Trustee make take whatever action he feels appropriate. The plaintiff is **FOREWARNED** that his failure to timely file this written notification with the court may constitute grounds for dismissal of this case for failure to comply with court orders and the Bankruptcy Code.

Entered this 9th day of March 2010.



ALETA A. TRAUGER
United States District Judge